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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,932	02/16/2005	Rainer Oehl	202-055	5365
53203 7590 06/18/2009 CONTINENTAL TEVES, INC. ONE CONTINENTAL DRIVE AUBURN HILLS, MI 48326-1581				
EXAMINER				
AZIZ, KETHI T				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
06/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,932

Applicant(s)

OEHL ET AL.

Examiner

KEITH T. AZIZ

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 20-38 are pending as amended on 5/26/2009, claims 1-19 having been previously cancelled.
2. The objection of claim 38 has been withdrawn in view of the amendment made on 5/26/2009.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 20-23 and 30-32 are rejected under 35 U.S.C 103(a) as being obvious over Baumgarten for the reasons set forth in paragraph No. 3 in the previous office action dated 1/23/2009.
5. Claim 24 is rejected under 35 U.S.C 103(a) as being obvious over Baumgarten in view of Takubo for the reasons set forth in paragraph No. 4 in the previous office action dated 1/23/2009.
6. Claims 25-27 and 34-38 are rejected under 35 U.S.C 103(a) as being obvious over Baumgarten, in view of Reynolds, in view of Lietz, and further in view of Salle for the reasons set forth in paragraph No. 5 in the previous office action dated 1/23/2009.
7. Claims 28-29 are rejected under 35 U.S.C 103(a) as being obvious over Baumgarten, Lietz, Reynolds, and Salle, further in view of Masse for the reasons set forth in paragraph No. 6 in the previous office action dated 1/23/2009.

Response to Amendment and Arguments

8. Applicant's arguments filed 5/26/2009 have been fully considered but they are not persuasive.

With respect to applicant's argument that Baumgarten does not teach all of the elements of the immediate application, applicant is respectfully reminded that the rearrangement of steps is *prima facie* obviousness. Baumgarten teaches all of the necessary steps, including the vulcanization of the hoses, and it would have been obvious to one of ordinary skill in the art to rearrange the processes of Baumgarten in such a way that the reinforced hose shaped structure would have been vulcanized after being stripped from the mandrel, since after vulcanization the hose will be more stiff and it will be more difficult to remove from the mandrel and removing the hose from the mandrel prior to vulcanization would reduce the amount of work necessary to complete the process. Again, it has been held that, if all necessary steps are taught by a prior art process, then rearrangement of the steps is *prima facie* obvious; the selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. See MPEP 2144.04(IV)(C), *Ex parte Rubin*, 128 USPQ 440 (Bd App 1959), *In re Burhans*, 154 F2d 690, 69 USPQ 330 (CCPA 1946) and *In re Gibson*, 39 F2d 975, 5 USPQ 230 (CCPA 1930).

With regards to applicants arguments that Baumgarten and Takubo do not teach the elements as required by the immediate application, see the above discussion.

With regards to applicants arguments that Baumgarten, Reynolds, Lietz, and Salle do not teach the elements as required by the immediate application, see the above discussion.

With regards to the applicants arguments that Baumgarten, Reynolds, Lietz, Salle, and Masse do not teach the elements as required by the immediate application, see the above discussion.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH T. AZIZ whose telephone number is (571)270-7658. The examiner can normally be reached on Monday through Thursday 8:00am-6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phillip Tucker can be reached on (571)272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KTA/

/KHANH NGUYEN/
Primary Examiner, Art Unit 1791